

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RUDOLPH V. HARDIN,	§
	§ No. 444, 2005
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. Nos. IN02-09-1706 thru
	§ 1709
Plaintiff Below-	§
Appellee.	§

Submitted: January 18, 2006

Decided: March 8, 2006

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 8<sup>th</sup> day of March 2006, the Court has considered the appellee's motion to affirm pursuant to Supreme Court Rule 25(a) and finds it manifest on the face of the appellant's opening brief that the appeal is without merit for the reasons stated by the Superior Court in its well-reasoned decision dated September 12, 2005. We find no error or abuse of discretion on the part of the Superior Court in any respect. To the extent Hardin has failed to brief issues previously raised in the Superior Court, he has waived his right to pursue those issues in this appeal.<sup>1</sup> To the extent Hardin raises issues in

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<sup>1</sup> *Somerville v. State*, 703 A.2d 629, 631 (Del. 1997).

this appeal that were not previously raised in the Superior Court, we decline to consider those issues.<sup>2</sup>

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>2</sup> Supr. Ct. R. 8.